

CALIFORNIA COASTAL COMMISSION

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Commission Action:

STAFF REPORT:
DE NOVO & REGULAR CALENDAR

APPLICATION NO.: A-5-PDR-99-130/ 5-99-151

APPLICANT: Catellus Residential Group

AGENT: Latham & Watkins

PROJECT LOCATION: 7501 80th Street, Westchester-Playa del Rey, City of Los Angeles

PROJECT DESCRIPTION: Resubdivision and merger of 12 lots into 12 new lots within and partially within the Coastal Zone and construction of a proposed 60 to 70-foot wide entrance road off of Lincoln Boulevard partially within the coastal zone; construction of a 6-foot wide public trail along the bluff within a 10-foot wide easement partially within the coastal zone; removal of coastal sage scrub; construction of retaining walls and grading on a bluff face; and restoration of the bluff face including revegetating with coastal sage scrub; construction of a .32 acre public view park; dedication of open space; and on-site and off-site infrastructure improvements associated with a 32 acre, 119-single family lot, subdivision that is outside of the Commission's jurisdiction except for the bluff face and lower portion of ravine (Hastings Canyon). The project site within the coastal zone consists of 11.95 acres.

Staff Note:

The proposed development is within the coastal zone area of the City of Los Angeles, which has been designated in the city's permit program as the Dual Permit Jurisdiction area. Pursuant to Section 30601 of the Coastal Act and Section 13307 of the California Code of regulations, any development located in the Dual Permit Jurisdiction which receives a Local Coastal Development Permit must also obtain a permit from the Coastal Commission.

The City's approval of the Local Coastal Development Permit has been appealed to the Commission. In order to minimize duplication and unnecessary delays, Commission staff has combined the de novo appeal and Coastal Development Permit into one staff report and one Commission hearing. However, commission approval, modification, or

disapproval of this project will require separate actions on the appeal and Coastal Development Permit.

Summary of Staff Recommendation

Staff recommends approval of the proposed project with special conditions regarding dedication of open space and public trail, landscaping and fuel modification, grading, and future improvements, and assumption of risk.

Staff recommends that the commission adopt the following resolutions:

I. Approval with Conditions of 5-99-151

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

II. Approval with Conditions of A-5-PDR-99-130

The Commission hereby **GRANTS** a permit, subject to the conditions below, for the proposed development on the grounds that the development will be in conformity with the provisions of Chapter 3 of the California Coastal Act of 1976, will not prejudice the ability of the local government having jurisdiction over the area to prepare a Local Coastal Program conforming to the provisions of Chapter 3 of the Coastal Act, and is in conformance with the public access and public recreation policies of Chapter 3 of the Coastal Act, and will not have any significant adverse effects on the environment within the meaning of the California Environmental Quality Act.

III. STANDARD CONDITIONS

1. Notice of Receipt and Acknowledgment. The permit is not valid and development shall not commence until a copy of the permit, signed by the permittee or authorized agent, acknowledging receipt of the permit and acceptance of the terms and conditions, is returned to the Commission office.
2. Expiration. If development has not commenced, the permit will expire two years from the date this permit is reported to the Commission. Development shall be pursued in a diligent manner and completed in a reasonable period of time. Application for extension of the permit must be made prior to the expiration date.
3. Compliance. All development must occur in strict compliance with the proposal as set forth in the application for permit, subject to any special conditions set forth below. Any deviation from the approved plans must be reviewed and approved by the staff and may require Commission approval.
4. Interpretation. Any questions of intent or interpretation of any condition will be resolved by the Executive Director or the Commission.
5. Inspections. The Commission staff shall be allowed to inspect the site and the project during its development, subject to 24-hour advance notice.
6. Assignment. The permit may be assigned to any qualified person, provided assignee files with the Commission an affidavit accepting all terms and conditions of the permit.
7. Terms and Conditions Run with the Land. These terms and conditions shall be perpetual, and it is the intention of the Commission and the permittee to bind all future owners and possessors of the subject property to the terms and conditions.

IV. SPECIAL CONDITIONS**1. Open Space Deed Restriction**

- A. No development, as defined in section 30106 of the Coastal Act shall occur in Lots No. 121, 122, 123, 124, and 125, as shown in Exhibit No. 2 except for:
 - (a) Vegetation removal for fire management consistent with plans approved by the Executive Director;
 - (b) landscaping with native vegetation in accordance with the approved landscaping plan;
 - (c) removal of non-native vegetation;
 - (d) public trail and view park construction and maintenance;
 - (e)

construction of slope retaining walls and grading in accordance with approved Tract Map No. 51122 attached as Exhibit No. 2.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restriction on development in the designated open space areas. The deed restriction shall include legal descriptions of both the applicant's entire parcel and the open space areas. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

2. Responsibility for Maintenance of Open Space Lot and Common Areas.

- A. Consistent with the applicant's proposed project description, the applicant and any successors in interest shall maintain the six open space lots and all common improvements including, but not limited to, the public trail and view park, planting areas, and streets reflected in Tract Map 51122, attached as Exhibit No. 51122.
- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, over all of the above identified lots reflecting the above restrictions. The deed restrictions shall include legal descriptions of the applicant's entire parcel and each of the six lots. The deed restrictions shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

Such restriction shall be recorded on each individual lot at the time of recording the tract maps.

3. Trail and Public View Park Lateral Access

- A. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, and in order to implement the applicant's proposal, the applicant shall submit to the Executive Director for review and approval evidence that the applicant has executed and recorded a dedication to the City of Los Angeles an easement for lateral public access and passive recreational use along the bluff top in accordance with the terms of the Project Description as proposed by the applicant on Section 2, page 2 of the application and application report, dated April 22, 1999. The document shall

be recorded free of prior liens and any other encumbrances which the Executive Director determines may affect the interest being conveyed.

- B. Any future development that is proposed to be located either in whole or in part within the area described in the recorded offer of dedication shall require a Commission amendment, approved pursuant to the provisions of 14 CCR § 13166, to this coastal development permit. This requirement shall be reflected in the provisions of the offer.

4. Future Development Deed Restriction

- A. This permit is only for the development described in coastal development permit No. 5-99-151. Pursuant to Title 14 California Code of Regulations section 13253(b)(6), the exemptions otherwise provided in Public Resources Code section 30610 (b) shall not apply to any lot within coastal zone in Tract Map No. 51122, generally depicted in Exhibit No. 2. Accordingly, any future improvements to the permitted development, including but not limited to repair and maintenance identified as requiring a permit in Public Resources section 30610(d) and Title 14 California Code of Regulations sections 13252(a)-(b), which are proposed within the restricted area shall require an amendment to Permit No. **5-99-151** from the Commission or shall require an additional coastal development permit from the Commission or from the applicable certified local government.

- B. **PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT**, the applicant shall execute and record a deed restriction in a form and content acceptable to the Executive Director, reflecting the above restrictions on development in the restricted area. The deed restriction shall include legal descriptions of both the applicant's entire parcel and each of the restricted lots. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

5. Assumption of Risk

- A. Prior to issuance of the coastal development permit, the applicant shall execute and record a deed restriction, in a form and content acceptable to the Executive Director, which shall provide: (a) that the applicant understands that the site may be subject to extraordinary hazard from landslides and soil erosion, and the applicant assumes the liability from such hazards; and (b) that the applicant unconditionally waives any claim of liability on the part of the Commission and agrees to indemnify and hold harmless the Commission, its officers, agents, and employees relative to the Commission's approval of the project for any damage due to natural hazards. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens and

encumbrances which the Executive Director determines may affect the enforceability of the restriction.

B. PRIOR TO ANY CONVEYANCE OF THE PROPERTY THAT IS THE SUBJECT OF THIS COASTAL DEVELOPMENT PERMIT, the shall execute and record a deed restriction, in a form and content acceptable to the Executive Director incorporating all of the above terms of subsection (a) of this condition. The deed restriction shall include a legal description of the applicant's entire parcel. The deed restriction shall run with the land, binding all successors and assigns, and shall be recorded free of prior liens that the Executive Director determines may affect the enforceability of the restriction. This deed restriction shall not be removed or changed without a Commission amendment to this coastal development permit.

C. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit a written agreement, in a form and content acceptable to the Executive Director, incorporating all of the above terms of this condition.

6. Landscape Plan

A. PRIOR TO ISSUANCE OF THE COASTAL DEVELOPMENT PERMIT, the applicant shall submit, for the review and written approval of the Executive Director, a plan for landscaping to enhance the habitat values of the bluff face. The plan shall be prepared by a licensed landscape architect and shall apply to the area generally depicted in Exhibit No. 6.

1. The plan shall demonstrate that:

- (a) All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading. Planting should be of native plant species indigenous to the Westchester Bluffs or surrounding area using accepted planting procedures, consistent with fire safety requirements. Such planting shall be adequate to provide 90 percent coverage within two (2) years, and this requirement shall apply to all disturbed soils;
- (b) all non-native plants in the restoration area shall be eradicated, to the maximum extent possible.
- (c) all planting will be completed within sixty (60) days of issuance of this permit,

(d) No permanent irrigation system shall be allowed within the property. Temporary above ground irrigation to allow the establishment of the plantings is allowed.

(e) all required plantings will be maintained in good growing conditions through-out the life of the project, and whenever necessary, shall be replaced with new plant materials to ensure continued compliance with the landscape plan, and

2. The plan shall include, at a minimum, the following components:

(a) a map showing the type, size, and location of all plant materials that will be on the developed site, topography of the developed site, and all other landscape features, and,

(b) a schedule for installation of plants.

B. The permittee shall undertake development in accordance with the approved final plan. Any proposed changes to the approved final plan shall be reported to the Executive Director. No changes to the approved final plan shall occur without a Commission amendment to this coastal development permit unless the Executive Director determines that no amendment is required.

C. Monitoring.

Five years from the date of the receipt of the Certificate of Occupancy for the residences the applicant shall submit for the review and approval of the Executive Director, a landscape monitoring report, prepared by a licensed Landscape Architect or qualified Resource Specialist, that certifies the on-site landscaping is in conformance with the landscape plan approved pursuant to this Special Condition. The monitoring report shall include photographic documentation of plant species and plant coverage.

If the landscape monitoring report indicates the landscaping is not in conformance with or has failed to meet the performance standards specified in the landscaping plan approved pursuant to this permit, the applicant, or successors in interest, shall submit a revised or supplemental landscape plan for the review and approval of the Executive Director. The revised landscaping plan must be prepared by a licensed Landscape Architect or a qualified Resource Specialist and shall specify measures to remediate those portions of the original plan that have failed or are not in conformance with the original approved plan.

7. Grading

- a) All cut and fill slopes shall be stabilized with planting at the completion of rough tract grading, and on the completion of final grading, and/or, if the Executive Director determines that grading has stopped and that the interruption of grading will extend into the rainy season. Planting should be of primarily native plant species indigenous to the Westchester Bluffs or similar habitat area. Non-native plants used for stabilization shall not be invasive or persistent species. Such planting shall be adequate to provide 90 percent coverage within 90 days and shall be repeated, if necessary, to provide such coverage. This requirement shall apply to all disturbed soils including all unsurfaced roads and pads;
 - b) Should grading take place during the rainy season (November 1 – April 31), sediment basins (including debris basins, desilting basins, or silt traps) shall be required on the project site prior to or concurrent with the initial grading operations and maintained through the development process to minimize sediment from runoff waters during construction. All sediment should be retained on-site unless removed to an appropriate approved dumping location.
 - c) At the end of rough grading, all rough graded lots, and all disturbed areas not included in trail and park development or revegetation plans shall be revegetated with plants indigenous to the area. The plans shall specify seed and plant sources, using, as far as possible, locally collected seed.
 - d) All fuel modification plans shall have been reviewed and approved by the Los Angeles County Fire Department. Invasive plants, as noted above, shall not be employed in fuel modification areas. The majority of plants employed shall be California native plants endemic to the Westchester Bluffs.
 - e) All proposed changes to approved plans shall be reported to the Executive Director. Any changes the Executive Director determines to be substantial shall require an amendment to the permit.
8. Submittal of Final Grading plans
- Prior to issuance of the permit, the applicant shall submit for review and approval of the Executive Director, final grading plans which include grading for the access road, pedestrian trail, and ravine consistent with Special Condition No. 7.

9. Staging Area

Prior to issuance of permit the applicant shall submit, for review and approval by the Executive Director, a plan showing where equipment and materials will be stored and any temporary access haul roads. No staging areas or haul roads shall be allowed outside areas already permitted for grading by this permit.

10. Water Quality

The applicant shall submit evidence that the project will incorporate Best Management Practices, including but not limited to catch basin filters, catch basin maintenance program, public education program regarding stormdrain signage and the City's household hazardous waste collection program.

11. Archeological Resources

a. Curation Facility

Prior to issuance of the permit the applicant shall agree in writing, subject to the review and approval of the Executive Director, to the following:

1) Artifacts collected as a result of this project shall be curated at a qualified curation facility, such as the San Bernardino County Museum. A qualified curation facility is one that meets the State Office of Historic Preservation Guidelines for Curation of Archaeological Collections.

2) Prior to completion of archaeological work at the site the applicant shall submit, for the review and approval of the Executive Director, evidence that:

i) the curation facility meets the State Office of Historic Preservation Guidelines for Curation of Archaeological Collections; and

ii) evidence of the facility's willingness to accept the collection.

c) If no qualified curation facility is available at the time the project is complete, an amendment to this permit shall be required to determine the appropriate curation process.

b. Native American Monitor

A Native American monitor shall be present on-site during all excavation activities to monitor the work. The monitors shall meet the requirements set forth in the Native

American Heritage Commission Guidelines for Monitors/Consultants of Native American Cultural, Religious, and Burial Sites.

c. Review of Treatment Plan

In the event that cultural resources are discovered and a Treatment Plan (mitigation plan) is prepared the Treatment Plan shall be submitted to the Executive Director for review and approval. Based on the mitigation procedures outlined in the Treatment Plan the Executive Director will determine if an amendment to this permit is required.

12. Public Street Parking

With the acceptance of this permit the applicant agrees that any changes to the amount of on-street parking on Street "A", the applicant shall submit plans for any proposed changes to the amount of public parking on Street "A" for review by the Executive Director to determine if an amendment to the Coastal Development Permit is required.

13. City Conditions

This action has no effect on local conditions imposed pursuant to an authority other than the Coastal Act.

V. FINDINGS AND DECLARATIONS:

The Commission finds and declares as follows:

A. Project Description

The proposed project includes the re-subdivision and merger of 12 lots and creation of 12 new lots within and partially within the Coastal Zone; construction of a 60 to 70-foot wide entrance road off of Lincoln Boulevard partially within the coastal zone; construction of a 6-foot wide public trail along the bluff within a 10-foot wide easement partially within the coastal zone; removal of coastal sage scrub; construction of retaining walls and grading (60,640 cubic yards of cut and 23,295 cubic yards of fill) on a bluff face including filling of 170 feet of a large ravine (Hastings Canyon); and restoration of the bluff face including revegetating with coastal sage scrub; construction of a .32 acre public view park; dedication of open space; and on-site and off-site infrastructure improvements associated with a 32 acre, 119-single family lot, subdivision that is outside of the Commission's jurisdiction. The project site within the coastal zone consists of 11.95 acres.

The Tentative Tract Map proposes to subdivide the Coastal Zone or bluff face area into approximately all or portions of six open space lots. The Tract Map will dedicate public right-of –

way in the Coastal Zone for Lincoln Boulevard widening and for proposed Street "A". The Map will also dedicate public use easements in the Coastal Zone over the proposed view park lot off of Street "A" and for the proposed bluff top trail.

The Tract Map will merge into the proposed open space lots, eleven existing legal lots of Tract 9167 that are located on the bluff face and in the Coastal Zone on the northwest side of the project. Portions of three additional lots of this Tract that are on the bluff face or in Hastings Canyon but not in the Coastal Zone, will also be merge into one of the proposed open space lots. The Tract Map will also vacate a section of Hastings Avenue (unimproved roadway) that was previously dedicated with Tract 9167.

The project is located in the Westchester/Playa del Rey community at the western edge of the City of Los Angeles approximately 1.25 miles from the Pacific Ocean. The site is adjacent to Lincoln Boulevard on the east, and faces an exiting single-family residential community on the south. The northern boundary of the site is approximately demarcated by Cabora Drive, a service road along the face of the Westchester/Playa del Rey Bluffs.

The entire 44.95-acre site consists of a broad, gently sloping bluff top with moderate to steep natural slopes descending on the northerly and westerly property boundaries. The natural slopes vary in gradient from 2:1 (horizontal to vertical) to almost vertical in steeply incised draws or erosional features. The bluff face is traversed by the partially paved Cabora Drive which is located near the toe of the natural slope and overlies and provides access to the City of Los Angeles North Outfall Sewer. A minor paved access road traverses up from Cabora Drive in the eastern portion of the site to the top of the bluff and leads to a graded flat pad that was formerly the location of a radio transmission tower. Ground elevation on the site ranges from approximately 50 feet above mean sea level along Cabora Drive at the base of the natural slope to 135 to 170 feet on the bluff top.

B. Area Planning History

Because the bluff faces along the Westchester Bluffs were visually and biologically part of the Ballona Wetlands system, Los Angeles County included the lower portions of these bluff face lots as part of the Marina del Rey/Ballona Land Use Plan which was certified by the Commission on October 10, 1984. Subsequently, the City of Los Angeles annexed a 458 acre portion of the County's Marina del Rey/Ballona LCP area which included the Westchester blufftop and bluff face lots. The City of Los Angeles then submitted the Playa Vista Land Use Plan for the newly annexed coastal lands. The Commission certified the City's Playa Vista Land Use Plan in 1986. As a result of a court suit challenging the adequacy of habitat protection in the land use plan, the City and County are revising the LUP to reflect a settlement (Friends, etc.). The settlement proposes additional wetlands at the toe of the bluff but does not propose changes in land use for these lots.

Prior to the Coastal Act the bluff face was subdivided into multiple "tiers" of lots, with the first row generally located below (north of) Cabora Drive (currently a private, paved access road) and the second and third tiers located above (south of) Cabora Drive and below (north of) Veragua Drive (at the top of bluff). The proposed property lies approximately between Cabora Drive to the north, and 80th Street and Rayford Drive on the south. The property is within the certified Playa Vista Land Use Plan area and designated as a single-family residential area. The Playa Vista Land Use Plan identifies the area above (south of) Cabora Drive as Residential I and the area below (north of) Cabora Drive as a Ecological Support area or buffer area for the wetlands. The Ballona Creek wetlands occupy approximately 163 acres north of the bluff and Cabora Drive. The subject lot zoning is identified as Residential I.

Recently, subdivided lots on the bluff face and crest of the bluff to the west of the project site have been sold to separate owners who have constructed several single-family homes. Because these houses are highly visible and may have adverse effects on the biologic and visual quality of the Ballona Wetlands that lie below the bluff, the City of Los Angeles applied for a boundary line adjustment so that the Coastal Zone Boundary did not cut through the middle of properties. Several homes were built on this bluff without Coastal Permit requirements before the Coastal Zone Boundary Adjustment took place. The lower portion of the property was previously within the Coastal Zone. The upper portion of the property was annexed into the Coastal Zone in 1990 as a result of the Minor Boundary Adjustment BA #6-89. The recently adjusted Coastal Zone Boundary runs along Veragua Drive to the west of the project site and then follows the top of the bluff through the undeveloped project site to Lincoln Boulevard.

C. Standard of Review

Even though there is a certified Land Use Plan for a portion of this bluff, the standard of review for development is the Coastal Act. The reason for this is that there is no certified implementation program. Until the Commission has certified a total LCP the standard of review remains the Coastal Act. However, it has been the Commission's practice to consider its action in certifying a LUP in reviewing proposed projects within partially certified areas.

D. Public Comments

The South Coast District office has received a number of letters from residents, neighborhood groups, and environmental groups in opposition to the project. Concerns raised include excessive grading and landform alternation, visual impacts, impacts to biological resources, landscaping, and traffic generation. Some of the concerns raised are issues outside of the Coastal Zone and not within the Commission's jurisdiction. Concerns that raise coastal act issues have been addressed below in the staff report. A sample of the letters representing the letters received are attached as No. 12.

E. Visual Resources/ Landform Alteration

Section 30251 of the Coastal Act states that permitted development shall be sited and designed to minimize the alteration of natural landforms and protect the scenic and visual quality of coastal areas:

Section 30251

The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character surrounding areas, and, where feasible, to restore and enhance visual quality in visually degraded areas. New development in highly scenic areas such as those designated in the California Coastline Preservation and Recreation Plan prepared by the Department of Parks and Recreation and by local government shall be subordinate to the character of its setting.

Section 30253 of the Coastal Act states in part:

New development shall:

(1) Minimize risks to life and property in areas of high geologic, flood, and fire hazard.

(2) Assure stability and structural integrity, and neither create nor contribute significantly to erosion, geologic instability, or destruction of the site or surrounding area or in any way require the construction of protective devices that would Substantially alter natural landforms along bluffs and cliffs.

The certified Land Use Plan states:

Grading shall be permitted on the bluffs only to the extent necessary for habitat protection, mitigation of potential geologic hazard, slope stabilization, erosion control, residential development or road construction. However, any grading permitted for such purpose shall minimize landform alteration to the maximum feasible extent, consistent with the above permitted development. Any development on the bluffs shall incorporate adequate standards for grading, drainage control, setbacks and geologic engineering.

The property within the Commission's jurisdiction consists of 11.95 acres or 27% of the total project site. The applicant will be grading approximately 3.26 acres or 27% of the

area within the coastal zone. Grading within the coastal zone will consist of approximately 60,640 cubic yards of cut and 23,295 cubic yards of fill.

Approximately 85%, or 51,544 cubic yards, of the cut will be from widening Lincoln Boulevard and construction of the entrance road (Street "A") and the public view park. The public view park will require approximately 4,000 cubic yards of grading. Approximately 23,295 cubic yards of cut will be used as fill for the portion (approximately 170 feet) of Hastings Canyon within the Coastal Zone. In addition, approximately 9,096 cubic yards of cut will be used for fill of other erosion features along the bluff.

The 11.95 acres within the coastal zone is mainly comprised of steep natural slopes descending on the northerly and westerly property boundaries. The natural slopes vary in gradient from 2:1 (horizontal to vertical) to almost vertical in steeply incised draws. The incised draws are generally less than 20 feet in width with vertical wall heights on the order of 5 to 10 feet. However, a major draw that subparallels Berger Avenue in the western portion of the site has a width that varies from 50 to 250 feet with vertical wall heights on the order of 30 feet. The ravine extends approximately 700 feet into the project site from Cabora Drive. However, only approximately 170 feet, or 24%, of the Canyon is within the Coastal zone and within the Commission's jurisdiction. The applicant intends on filling the entire ravine.

Hastings Canyon may have historically been a erosional feature; however urban development that has taken place in the near vicinity, in and outside of the coastal zone, has contributed to the erosion of this ravine by increased concentrated surface runoff that drains into the ravine.

The Hastings Canyon fill slope is proposed to extend from approximately the south side of Cabora Drive at an elevation of approximately 50 feet and extend to an elevation of approximately 110 and 140 feet within the Coastal Zone. The face of Hastings Canyon fill slope is designed to align with the existing natural bluff face. Because the City's design criteria will not permit the fill slope to exceed a 2:1 grade, and the existing bluff face is much steeper, the fill slope will setback from the existing bluff face as the slope ascends to the top.

The proposed slope includes a system of drains (terrace drains), as required by the City, that will collect all runoff and convey it to the base of the slope. The City generally requires terrace drains to be 8-foot in width, however, the City has allowed the applicant to use 5-foot wide drains and allowed the down drain to be curvilinear rather than straight, to soft the visual appearance of the drains.

The applicant contends that storm runoff that is directed into the Canyon via the Veragua Walk stormdrain has caused erosion of the ravine and deposition of sediment into the Ballona wetlands.

The proposed rerouting of the stormdrain from the ravine and filling and stabilizing the ravine will significantly reduce the deposition of sediment and adverse impacts to the Ballona Wetlands. Furthermore, the proposed project will include a drainage setback area between the top of the bluff face and the proposed residential lots, ranging from 30-90 feet. Approximately .83 acres or 35% of the total setback area is within the Coastal Zone. The setback area will include a drainage swale to collect and direct drainage to the on-site stormdrain system. This drainage system will help reduce the amount of surface runoff and erosion of the bluff face caused by surface runoff.

The Westchester bluffs extend approximately 3.25 miles from Centinela and Sepulveda Boulevards in the east, outside of the Coastal Zone, to Vista Del Mar Boulevard in the west. The bluffs rise approximately 120 to 170 feet above mean sea level. The bluffs are underlain by Pleistocene marine sediments that were historically cut by the Los Angeles river. The bluffs are a sandy material that is subject to slippage and erosion and needs support if graded or disturbed. According to the Geotechnical Report prepared for the project (Pacific Soils Engineering, Inc, 2/1/99) surficial failures have occurred along oversteepened portions of the slopes of the Ballona escarpment.

The project site is the last large vacant parcel along the bluffs. The bluffs on the project site relatively undeveloped. The bluffs have been modified by the installation of drainage channels, the North Outsell Sewer, graded and paved Cabora Drive. In addition, utility poles exist on the site and remnants of a deteriorated paved access road leading up the bluff face to a former radar/radio antenna site is visible. The former antenna site has deteriorated paving and a chain-link fence partially surrounding the site.

The bluffs to the east and west of the project site are developed. To the east, across from Lincoln, and outside of the Coastal Zone, the bluffs are developed with single-family residences and Loyola Marymount University. Immediately across Lincoln at Hughes Terrace Road a four-story building is built into the bluff. West of the project site, there are a number of large multi-story residential structures located atop the bluff and a number of residential structures that cascade down the bluff face.

As proposed no residential development will occur within the Coastal Zone. Residential development will be setback from the bluff edge from 30-90 feet. Although residential development will be outside of the Coastal Zone views of the bluff face would be impacted by the proposed stabilization and restoration of the bluffs. The filling of Hastings Canyon will change the general appearance of the bluff at the mouth of the Canyon. The proposed fill slope will vary in width from approximately 150 to 240 feet. The filling will create an uninterrupted expanse of bluff face, which will be landscaped along with the rest of the bluff face to blend with the existing slope. The City is requiring terrace drains and downdrains for the fill slope. As designed and proposed by the applicant, the drains will be smaller and less intrusive than the standard drain systems and will not create a significant visual impact.

The applicant proposes to construct four soldier pile/retaining walls to correct erosion along the bluff top. These walls will be located along the upper reaches of the erosion gullies, just below the top of the bluff. The erosional gullies below the walls will not be altered other than with landscaping to reduce further erosion. According to the EIR, due to the location of the walls and narrow width of the gullies, visibility of the walls will be minimal. The EIR's visual analysis states that:

Although the pile walls may be visible for some of the erosional features, the repair of these features and the proposed filling of Hastings Canyon should result in only minimal impacts to the visual and aesthetic qualities of the bluff face.

The road cut for Street "A" will lower the elevation of the top of the bluff adjacent to Lincoln Boulevard by lowering grade by approximately 20 feet. According to the EIR, with proposed revegetation of the cut slope, views will not be significantly impacted. Furthermore, the EIR also states that, due to existing surrounding development atop and down the bluff face to the east and west, the visual impact of the proposed project would be substantially less than the surrounding development.

To ensure that the visual impacts due to grading will be minimized, the Commission requires that the applicant shall submit a landscaping plan using coastal sage scrub and other native plants. The condition requires the applicant to submit grading and landscaping plans that show:

- 1) Use of indigenous plant species on the site, and 2) identifies the final location and type of plants (all plants) which will be used in landscaping. The project is also conditioned to require the use of sediment basins during grading operations.

The Coastal Act habitat policies require that projects adjacent to Environmentally Sensitive Habitat Areas be developed consistent with the maintenance of the habitat areas. The Playa Capital parcel adjacent to the property contains land that is not designated a wetland according to CDFG, but it is an area that supports upland vegetation. The area designated as wetlands is approximately 350 to 450 feet away from the toe of the bluff. However, the delineation of the wetlands is still subject to controversy.

Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. It is most important, however, that development adjacent to the wetlands not include species that may escape and supplant native plants within the ecosystem. As conditioned to include Diegan sage scrub and other native plants compatible with an upland bluff face community, the development will be consistent with Section 30240(a) of the Coastal Act. As conditioned to control grading, and to revegetate, the project conforms with Sections 30240 and 30251 of the Coastal Act.

Furthermore, in previous actions on hillside development in geologically hazardous areas the Commission has found that there are certain risks that can never be entirely eliminated. In addition, the Commission notes that the applicant has no control over off-site or on-site conditions that may change and adversely affect the coastal slope on the property. Therefore, the Commission finds that the proposed project is subject to risk from erosion and/or slope failure (topple) and that the applicant should assume the liability of such risk. The assumption of risk, when recorded against the property as a deed restriction, will show that the applicant is aware of and appreciates the nature of the hazards which may exist on the site and which may adversely affect the stability or safety of the proposed development. Furthermore, to ensure that all future development will be consistent with the Commission's action and with the Chapter 3 policies of the Coastal Act a Future Improvements Deed Restriction is necessary. The Commission, therefore, finds that only as conditioned will the proposed development be consistent with Section 30253 of the Coastal Act.

F. Public Access

All projects requiring a Coastal Development Permit must be reviewed for compliance with the public access provisions of Chapter 3 of the Coastal Act. Section 30210 states that maximum access and recreational opportunities shall be provided to protect public rights:

In carrying out the requirement of Section 4 of Article X of the California Constitution, maximum access, which shall be conspicuously posted, and recreational opportunities shall be provided for all the people consistent with public safety needs and the need to protect public rights, rights of private property owners, and natural resource areas from overuse.

Section 30211 of the Coastal Act states:

Development shall not interfere with the public's right of access to the sea where acquired through use or legislative authorization, including, but not limited to, the use of dry sand and rocky coastal beaches to the first line of terrestrial vegetation.

Section 30252 of the Coastal Act states:

The location and amount of new development should maintain and enhance public access to the coast by providing adequate parking facilities.

The project proposes to provide a public view trail along the top of the bluff, within the proposed bluff top drainage setback area, that would connect from Street "A" in the north east portion of the site to Berger Avenue in the southwest corner of the site. Only approximately 530 lineal feet of the proposed bluff top trail will be within the Coastal Zone (a total of 2,100 lineal feet of trail will be within and outside of the Coastal Zone in this project site. The City's Tract conditions require dedication of this trail.

In addition to the proposed bluff trail the applicant is proposing a .32 acre view park. The view park will be located on the north side of the proposed Street "A". The park will be entirely within the Coastal Zone. The park area would have approximately 300 feet of frontage on Street "A" and a depth off the street of between 30-60 feet. Landscaping of the view park is proposed to include turf, shrubs, ground cover, and trees.

The park as proposed will be open to the general public and an easement over the park for this purpose will be dedicated to the City of Los Angeles. In support of the view park and bluff top trail the applicant is also proposing public parking on the proposed access road (Street "A"). The access, which is partially in the Coastal Zone will provide approximately 23 spaces on the north side within the Coastal Zone and 25 spaces on the south side outside of the Coastal Zone. To ensure that public parking is maintained on the Street "A" to support the public view park and trail a special condition requiring the maintaining of the parking spaces is necessary.

Furthermore, the proposed project will not adversely impact coastal access through increases in generated traffic. Lincoln Boulevard is adjacent to the project site and is a major north-south route providing access to a number of beach cities. As part of roadway improvement mitigation measures required by the City for other projects and the Coastal Transportation Corridor Specific Plan, Lincoln Boulevard is planned for a number of improvements including widening and lane increases. The City is requiring the proposed project, consistent with the Coastal Transportation Corridor Specific Plan, to provide a 57-foot wide half street along the project's Lincoln Boulevard frontage. Other improvements include signalization and signal coordination, turn restrictions, adding additional turn lanes to Lincoln Boulevard and neighborhood streets outside of the Coastal Zone. The increase in traffic attributable to the project will be mitigated by the road widening and addition of turn lanes.

As proposed, 90 residential lots will require access from Lincoln Boulevard, within the Coastal Zone. The remaining 29 residential lots will have access from 80th Street and Rayford Drive, which are located outside of the Coastal Zone. As discussed in the EIR the proposed project will generate approximately 1,220 trips per day. Lincoln Boulevard and Hughes Terrace is currently at Level of Service (LOS) A to C during peak periods. The project traffic analysis in the EIR found that with adding the project access road to this intersection the intersection will operate at LOS B to C during peak periods. The change in LOS at this intersection is not significant.

Because of the location of the access road and the Coastal Zone boundary, which crosses Lincoln Boulevard along the southern edge of Hughes Terrace Road, only vehicles turning left will be entering the Coastal Zone. Vehicles turning right, heading south along Lincoln Boulevard will be immediately outside of the Coastal Zone. The impact on traffic within the Coastal Zone will not be significant. Therefore, the proposed project, only as conditioned, will be consistent with Section 30210, 30211 and 30252 of the Coastal Act.

G. Biological Resources

Section 30230 of the Coastal Act states:

Marine resources shall be maintained, enhanced, and where feasible, restored. Special protection shall be given to areas and species of special biological or economic significance. Uses of the marine environment shall be carried out in a manner that will sustain the biological productivity of coastal waters and that will maintain healthy populations of all species of marine organisms adequate for long-term commercial, recreational, scientific, and educational purposes.

Section 30231 of the Coastal Act states:

The biological productivity and the quality of coastal waters, streams, wetlands, estuaries, and lakes appropriate to maintain optimum populations of marine organisms and for the protection of human health shall be maintained and, where feasible, restored through, among other means, minimizing adverse effects of waste water discharges and entrainment, controlling runoff, preventing depletion of ground water supplies and substantial interference with surface water flow, encouraging waste water reclamation, maintaining natural vegetation buffer areas that protect riparian habitats, and minimizing alteration of natural streams.

Section 30233 states in part:

(a) The diking, filling, or dredging of open coastal waters, wetlands, estuaries, and lakes shall be permitted in accordance with other applicable provisions of this division, where there is no feasible less environmentally damaging alternative, and where feasible mitigation measures have been provided to minimize adverse environmental effects, and shall be limited to the following:

(3) In wetland areas only, entrance channels for new or expanded boating facilities; and in a degraded wetland, identified by the Department of Fish and Game pursuant to subdivision (b) of Section 30411, for boating facilities if, in conjunction with such boating facilities, a substantial portion of the degraded wetland is restored and maintained as a biologically productive wetland. The size of the wetland area used for boating facilities, including berthing space, turning basins, necessary navigation channels, and any necessary support service facilities, shall not exceed 25 percent of the degraded wetland.

(5) Incidental public service purposes, including but not limited to, burying cables and pipes or inspection of piers and maintenance of existing intake and outfall lines.

(6) Mineral extraction, including sand for restoring beaches, except in environmentally sensitive areas.

(7) Restoration purposes.

(8) Nature study, aquaculture, or similar resource dependent activities.

(c) In addition to the other provisions of this section, diking, filling, or dredging in existing estuaries and wetlands shall maintain or enhance the functional capacity of the wetland or estuary. Any alteration of coastal wetlands identified by the Department of Fish and Game, including, but not limited to, the 19 coastal wetlands identified in its report entitled, "Acquisition Priorities for the Coastal Wetlands of California", shall be limited to very minor incidental public facilities, restorative measures, nature study, commercial fishing facilities in Bodega Bay, and development in already developed parts of south San Diego Bay, if otherwise in accordance with this division.

Section 30240(a) of the Coastal Act states:

Environmentally sensitive habitat areas shall be protected against any significant disruption of habitat values, and only uses dependent on those resources shall be allowed within those areas.

This property is located on a highly visible bluff overlooking Ballona wetlands; the Westchester bluffs. These bluffs are a prominent landforms rising 140-170 feet above the Ballona Wetlands. The existing Ballona Wetlands are remnants of a much larger wetland system that formerly covered approximately 1,750 acres. However, a change in course of the Los Angeles River, construction of the Ballona Flood Control Channel in 1932, and dredging of the Marina del Rey Small Craft Harbor in the 1960's drastically reduced the size of the marsh to its present state. Urban development in this region also contributed to the significant reduction in the quantity and quality of the Ballona Wetlands. Most of the remaining Ballona Wetlands are no longer in their natural condition having been altered by oil drilling, pipelines, construction of roads, conversion to farm lands, and dredged material disposal.

The Ballona Wetlands are located on an adjacent property. The development and /or restoration of the Ballona Wetlands are subject to a long and complex history which is summarized below.

a) Planning History of Ballona Wetlands

Through the California Coastal Act's Local Coastal Program (LCP) process, Los Angeles County developed a Land Use Plan (LUP) for the Ballona Wetlands. The plan divided the area into four subareas, Areas A, B, C, and D (Area D is outside of the coastal zone). In 1984, the Commission certified the LUP with suggested modifications that were eventually accepted by the County. Several years after the completion of the LUP, the City of Los Angeles annexed parts of the County's LCP area, encompassing Areas B and C, into the City. The City developed an LUP,

similar to the County's LUP, and in 1986 the Commission certified the LUP with suggested modifications, which were accepted by the City.

The City's LUP identified the appropriate land uses for the areas within its jurisdictions. The planning for the 385-acre Area B would allow for a minimum 209 acre Habitat Management Area, including 175 acres of restored wetlands, buffers and ecological support areas, a public interpretive center; up to 2,333 dwelling units, up to 70,000 square feet of "convenience commercial", and private recreation opens space to serve new residents. For Area C the plan would allow for up to 2,032 dwelling units, 50,000 square feet of convenience commercial (retail and office), 900,000 square feet of office, and 100,000 square feet of retail.

In response to the certification of the County of Los Angeles', and later the City of Los Angeles', LUP, the Friends of Ballona Wetlands, and several other groups, filed a law suit challenging the certification of the coastal land use plan, Friends of Ballona Wetlands, et al v. California Coastal Commission, et al. (Superior Court of the State of California, County of Los Angeles, Case No. 525-826).

In 1989, Maguire Thomas Partners-Playa Vista (MTP-PV) acquired management control of Playa Vista and worked with the parties involved in the lawsuit to resolve the issues raised by the litigation. Subsequently, Maguire Thomas Partners entered into a Settlement Agreement with the Friends of Ballona Wetlands, the City, the County and the Commission. Under the Settlement Agreement MTP-PV agreed to eliminate residential development on then identified wetlands in Area B, to downscale commercial development substantially, and to eliminate residential development on an eight acre parcel on the southwest border of the salt marsh. These changes would reduce the amount of residential development in Area B from 2,333 dwelling units allowed by the LUP to 1,800 units, and would reduce the amount of commercial development in Area B from 70,000 square feet of "convenience commercial" allowed in the LUP to 20,000 square feet. Under these changes, all such development in Area B would be restricted to the area north of Jefferson Boulevard.

By entering into the settlement, the Commission did not end the litigation or approve the revised development and restoration plans. Instead, the settlement provides a means for full discretionary review with public input of the revised plans by the City, the County and the Commission. The revised plans are still evolving. The settlement was designed to put into effect a process for governmental review of the current proposal for development of Playa Vista and the restoration of the Ballona Wetlands that, if approved, will become the Land Use Plan and LCP for the Playa Vista Area.

In 1991 the Commission approved a permit for a 26.1 acre freshwater marsh restoration project in Area B [CDP #5-91-463 (Maguire Thomas Partners-Playa Vista)]. That permit is the first element in the overall wetlands restoration program. Other aspects of the Ballona Wetlands restoration will be brought before the Commission when Commission permitting is required.

In the coastal zone the freshwater marsh restoration included fill of approximately 8 of 16 acres of jurisdictional wetlands (Jurisdictional wetlands are wetlands defined by the Corps). The placement of fill within jurisdictional wetlands requires a 404 permit from the Corps; dredging within jurisdictional wetlands is not subject to a 404 permit.

MTP-PV applied to the Corps for a permit to fill approximately 16.1 acres of federally delineated wetlands pursuant to the major development project in the Ballona Wetlands area. The approximately 16.1 acres were located in areas B, C, and D and consisted of man-made flood control ditches and wetland patches. MTP-PV divided the Playa Vista property into four quadrants: Areas A, B, C, and D. The Playa Vista project itself is then divided into 3 phases. The First phase involves, in part, the construction of 80,000 square feet of office space and 450 residential units in Areas B, C, and D of the Playa Vista property, which contain 17 isolated patches of degraded wetlands. The second phase involves the restoration of the 230-acre salt marsh system within Area B that has been permitted by the Commission. The third phase involves the development of a marina in Area A and associated commercial and residential space and, possibly, improvements to the Ballona channel.

Prior to issuing the permit, the Corps was required to analyze the environmental effects of each stage's permitted activity, pursuant to NEPA. If the Corps determined that the permitted activity would have a "significant impact" on the environment, an EIS would be required to be prepared before granting a permit. If no significant environmental impacts were found, the Corp would be required to issue a Finding of No Significant Impact (FONSI) and an Environmental Assessment (EA).

The Corps determined that an EIS was not necessary and issued a FONSI and an EA allowing MTP-PV to begin the first phase of filling operations. Later, the Corps required that both the second and third stages of the Playa Vista project be preceded by an EIS. In 1992 the Army Corps of Engineers issued a permit to MTP-PV for the fill of wetlands and drainage ditches that are waters of the U.S. that included areas within the coastal zone and areas outside of the coastal zone. The Corps permit allowed, in part, for the applicant to construct the freshwater marsh restoration project approved by the Commission in CDP #5-91-463.

In 1996, a lawsuit was filed against the Corps (Wetlands Action Network; Ballona Wetlands Land Trust; and California Public Interest Research Group v. United States Army Corps of Engineers). The lawsuit alleged that the Corps failed to fulfill their legal obligations under the National Environmental Policy Act (NEPA) and the Clean Water Act (CWA) by granting a fill permit to Maguire Thomas Partners-Playa Vista (MTP-PV) under section 404 of the CWA. The federal district court dismissed the Clean Water Act cause of action but granted the plaintiff's motion for summary judgment on the NEPA cause of action.

The court found that the Corps' decision to issue the permit with only an EA and FONSI, and not the more detailed EIS, without certain mitigation documents and success criteria worked out before issuance, given the untested nature of the retention basin, and in the midst of substantial dispute as to the project's nature and effects, was arbitrary, capricious, and otherwise not in accordance with the law. The court, therefore, rescinded the permit, and all construction activities on the jurisdictional wetlands are prohibited until the Corps complies with its NEPA obligations to prepare an EIS on the project's effect on the 16.1 acres of wetlands. The judges' order does not prohibit development outside the jurisdictional wetlands although the EIS must consider effects of such nearby development on the wetlands. The judges' order is on appeal to the Ninth Circuit.

Because the bluff faces were visually and biologically part of the Ballona Wetlands system, Los Angeles County included the lower portions of these bluff face lots as part of the Marina del Rey/Ballona Land Use Plan which was certified by the Commission on October 10, 1984. Subsequently, the City of Los Angeles annexed a 458 acre portion of the County's Marina del Rey/Ballona LCP area which included the Westchester bluff top and bluff face lots. The City of Los Angeles then submitted the Playa Vista Land Use Plan for the newly annexed coastal lands. The Commission certified the City's Playa Vista Land Use Plan in 1986. As a result of a court suit challenging the adequacy of habitat protection in the land use plan, the City and County are revising the LUP to reflect a settlement (Friends, etc.). The settlement proposes additional wetlands at the toe of the bluff but does not propose changes in land use for these lots.

According to the EIR urban development has exacerbated the erosion of the ravine. The on-going erosion has resulted in the depositing and accumulation of sand and soil sediments in the Ballona Wetlands, which has created an alluvial fan below the mouth of Hastings Canyon and north of Cabora Drive. This alluvial fan has provided an opportunity for invasive exotics, which further degrade the wetlands. Because of the deposition of silt over the years, the area immediately north of Cabora Drive, extending 300-400 feet from the road, has not been designated as wetlands [(CDP #5-91-463 (Maguire Thomas Partners))].

In other past permit action for the area, the Commission has recognized that concentrated drainage via the storm drain along Veragua Walk into Hastings Canyon contributes to bluff stability, and wetland impacts from sedimentation and pollution, that eventually get washed into the Ballona wetlands (5-98-282; 5-97-205; 5-97-349).

b) Impacts to Biological Resources

This property in its entirety provides several types of habitat. As noted above, the opponents contend that the bluff top provides a remnant habitat unique in the area, that the bluff face provides upland bluff and support for land animals dependent on the Ballona wetlands, and that the creek and drainages on the property are wetlands that should be protected under Section 30233.

1) The bluff top. The bluff top portion of the project site is not in the Commission's jurisdiction. Whether or not the bluff top plays an important role in the eco-system, it is not in the commission's power to regulate development on the bluff top.

2) The bluff face supports degraded Diegan sage scrub (coastal bluff scrub). The vegetation on the property, though degraded is denser and healthier appearing than on adjacent parcels that have been subject to fire clearance. The applicant proposes to restore the bluff face vegetation with species compatible with Diegan coastal sage scrub species that will not have to be extensively cleared to protect the homes from fire.

3) There are four drainages on the property that are under the jurisdiction of the California Department of Fish and Game (CDFG). These drainages include Hastings Canyon and three other gullies that are incised down the bluff face. The opponents assert that there are wetlands within Hastings Canyon.

While Hastings Canyon does have a wetland recognized by CDFG, in one isolated location, the wetland is located outside the Coastal Zone. The applicant contends that outside the coastal zone these drainages are not wetlands and are not protected by Section 30233. In support of this, the applicant has provided the 1703 permit from the CDFG and a biological and soil analysis by its consultant (see Exhibits No. 8 and 9). To be considered a wetland by the Coastal Commisison there must be evidence that the area is a wetland as defined in Section 30121. Section 30121 states that:

“Wetland” means lands within the coastal zone which may be covered periodically or permanently with shallow water and include saltwater marshes, freshwater marshes on or close brackish water marshes swamps, mudflats and fens.

In adopting its guideline, the Commission found in part:

“...In California wetlands may include a variety of habitat types. For this reason, wetlands may not be readily identifiable by simple means. In such cases, the Commission will also rely on the presence of hydrophytes and or the presence of hydric soils. The rationale for this in general is that wetlands are lands where saturation with water is the dominant factor determining the nature of soil development and the types of plan and animal communities living in the soil and on its surface. *For this reason the single feature that most wetlands share is soil or substrate that is at least periodically saturated with or covered by water and this ins the feature used to describe wetlands in the coastal act. ... Thus, the presence or absence of hydrophytes and hydric soils make excellent physical parameter upon which to judge the existence of wetland habitat areas for purposes of the coastal act.*

Thus to be judged a wetland a site must have one of three elements: (1) inundation, (2) hydric soils, or (3) hydrophytic vegetation. While these canyons are subject to seasonal floods, as a rule they are dry, so they are not inundated. Secondly, in the coastal zone, the four drainages support no hydrophytic plants, and in fact there is very little vegetation in the canyons. Third, the soils report prepared at the request of the staff showed that there are no hydric soils. Therefore the areas are no wetlands on the project site within the Commission's jurisdiction and not subject to section 30233.

Thus, the only habitat value on the site is the coastal scrub habitat. The applicant proposes to restore this habitat.

The proposed project will redirect storm runoff from Hastings Canyon into an on-site stormdrain system. The on-site stormdrain system will connect to the Lincoln Boulevard, which drains into the Ballona wetlands. As conditions to the City's permit, in order to construct the proposed drainage facilities and allow the runoff to drain into the wetland, a set of water quality control Best Management Practices (BMP's) will be required to mitigate the potential development impact and improve the quality of storm water flowing into the wetland. The BMP measures will consist of catch basin filters, catch basin cleaning, storm drain system signage, and household hazardous waste collection and education.

While total runoff volumes discharged into the Ballona Wetlands would be increased due to increased impervious surface area on-site, sediment loads would decrease due to decreased erosion along bluff faces. All new catch basins will include a filter system to improve the quality of drainage flowing into the storm drain system.

Furthermore, according to the applicant the Freshwater Marsh Component that is proposed to be created under the First Phase of the Playa Vista project was designed to serve the tributary drainage area containing the West Bluffs project site. The proposed West Bluffs stormwater drainage plan is designed to be compatible with this Freshwater marsh system.

The project site represents a portion of the upland habitat associated with the Ballona Wetlands. The bluffs generally support mixed coastal sage scrub, non-native grassland and disturbed vegetation. The project site contains less than five acres of intact coastal sage scrub on the bluff faces, with the remainder of the bluff faces disturbed and supporting non-native grassland.

The bottom of Hastings Canyon contains arroyo willows, where surface runoff collects or is periodically impounded behind check dam structures. The applicant's biologist, representatives of the Department of Fish and Game and the United States Army Corps of Engineers (Corps) have inspected the Canyon and have determined that the biological value of the ravine is low. The .04 acres of wetlands found within the Canyon are located outside of the coastal zone.

According to the EIR the bluff face is characterized by native coastal (Diegan) sage scrub, non-native grassland and ruderal vegetation where native vegetation has been displaced. Coastal sage scrub covers less than five acres in isolated patches along the bluff face. The vegetative cover of this community is generally sparse, ranging between 20 and 30 percent.

The LUP originally submitted by the County of Los Angeles proposed restoration of upland sensitive habitat that included the bluffs extending eastward of Falmouth Avenue to Lincoln Boulevard, which includes the proposed site. The California Department of Fish and Game (CDFG) objected to the inclusion of the 12 -acre portion of the bluff, between Falmouth Avenue and Lincoln Boulevard as environmentally sensitive habitat. The CDFG found that the impacts of adjacent residential uses proposed south of Cabora Drive along the top of the bluffs as well as use of Cabora Drive, would preclude the long-term management of that portion of the bluffs as environmentally sensitive habitat. Therefore, the CDFG recommended deletion of the 12 acres of bluff from the restoration program. The CDFG further recommended that the deleted bluff acreage be replaced with 12 acres of environmentally sensitive habitat area located in the lowland portion of Area B. The Commission concurred with the CDFG's recommendation and excluded the bluff area as sensitive habitat.

The applicant is proposing restoration of the coastal sage scrub impacted along the bluff face, including establishing it on the Hastings Canyon fill slope. Due to impacts to coastal sage scrub located in and outside of the Coastal Zone and to wetlands, outside of the coastal zone, CDFG is requiring restoration along the bluff face consisting of habitat enhancement of exiting Diegan sage scrub vegetation and removal of exotic vegetation. The applicant is required to restore .90 acres of habitat, representing a mitigation ratio of greater than 5:1 for the 0.15 acres impacted. According to the EIR this will increase habitat values on the bluff face for obligate species associated with the Ballona Wetlands which utilize the upland habitat.

Furthermore, 73% of the bluffs will be left ungraded and continue to serve as a buffer between the Ballona Wetlands and the residential areas to the south. The applicant is also proposing to dedicate an open space easement over the entire bluff face.

The Coastal Act habitat policies require that projects adjacent to Environmentally Sensitive Habitat Areas be developed consistent with the maintenance of the habitat areas. Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. Although this area is not immediately contiguous to the wetland and the value of small patches of habitat may be small, there is grounds within the general policies found in the Playa Vista Land Use Plan for preserving and restoring as much native vegetation as possible. It is most important, however, that development adjacent to the wetlands not include species that may escape and supplant native

plants within the ecosystem. As conditioned to include Diegan sage scrub and other native plants compatible with an upland bluff face community, the development will be consistent with Section 30240(a) of the Coastal Act. To ensure that the impacts to the native vegetation is mitigated the applicant shall submit a landscaping plan indicating the type and location of native vegetation and include the removal of non-native plants. The plan shall include success criteria consistent with Special Condition No 6. The applicant shall also provide a monitoring plan and report to the Executive Director. As conditioned to control grading, and to revegetate, the project conforms with Sections 30230, 30231, 30233 and 30240(a) of the Coastal Act.

H. Cultural Resources

Section 30244 of the Coastal Act states:

Where development would adversely impact archaeological or paleontological resources as identified by the State Historic Preservation Officer, reasonable mitigation measures shall be required.

According to the EIR many prehistoric sites have been found in the Ballona region and much of the are has been professionally surveyed. Three sites (LAN -63, -64 and –206) have been recorded either entirely or partially on the West Bluff property atop the mesa. All three sites were also subject to professional excavations. Based on this previous work the EIR concluded that adverse effects of the proposed development on the archaeological sites have been adequately mitigated.

In June 1997, the West Bluff property was examined by Dr. Jeffrey Altschul and Dr. Michael Hogan of Statistical research. Based on examination of the project site and review of a previous survey done by Archaeological Associates, Statistical Research concurred with conclusion that LAN-63 and –64 meet the criteria as unique or important cultural resources as defined by CEQA Guidelines Appendix K and that LAN-206A which has been seriously degraded, if not destroyed, by previous development does not meet this criteria.

The proposed project would develop an area where two significant archaeological sites (LAN-63 and –64) are located. However, the EIR indicates that previous data recovery has mitigated the loss of information associated with these two sites. The proposed project, therefore, would not have a significant impact on archaeological resources within these two know sites. Although the site may have been surveyed additional artifacts may be uncovered during construction. As a condition of the City's approval the applicant is required to monitor all grading and construction activities and requires appropriate recovery and mitigation measures, regarding excavation, reporting and curation. In past permit action, the Commission has required similar requirements. Therefore, to ensure that the project is consistent with Past Commission action special conditions are necessary to ensure consistency with the Coastal Act.

To assure that the proposed project remains sensitive to the concerns of the affected Native American groups, a Native American monitor should be present at the site during all excavation

activities to monitor the work. The monitor should meet the qualifications set forth in the NAHC's guidelines. As a condition of approval, an on-site Native American monitor that meets the qualifications of the NAHC's guidelines, shall be required during excavation activities. Therefore, as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act which requires reasonable mitigation measures be provided to offset impacts to archaeological resources.

Once a site is determined to contain significant cultural resources a Treatment Plan (Mitigation Plan) will be prepared and reviewed by the appropriate Federal and State reviewing agencies. The Treatment Plan will outline actions to be implemented to mitigate impacts to the cultural resources found at the site(s). To determine whether the Treatment Plan is consistent with the proposed permit or if an amendment to this permit is required, the applicant shall submit a copy of the Treatment Plan to the Commission. The Executive Director, after review of the Treatment Plan, will determine if an amendment will be required. The Executive Director will require an amendment if there is significant additional excavation required or there is a significant change in area of disturbance or change in the type of excavation procedures.

In the event that grave goods are discovered, the Research Design provides that upon the discovery of human remains, the Los Angeles County Coroner's Office will be notified in compliance with state law, and they in turn will request the Native American Heritage Commission to determine the cultural affiliation.

The Commission's Archaeological Guidelines also recommend that the research design include arrangements for curation of collections when appropriate, and dissemination of the research findings. Regarding curation, the proposed Research Design states that all project related notes, records, photographs, and sorted materials (except those repatriated under California State Burial Law) will be curated at a repository meeting federal standards and in accordance with 36 CFR 79.

There must be some assurance that the collection and related field records, catalogs and reports will be properly curated. Without proper curation there is no assurance that the value of information obtained will be retained in perpetuity. A qualified curation facility is one that meets the State Historic Preservation Office (SHPO) guidelines, such as the mentioned San Bernardino County Museum. However, there is no guarantee that the facility will be able to accept the collections once the artifacts are ready for curation. Consequently, if another facility is available that meets SHPO's guidelines, it would also be appropriate to allow curation to occur there. In any case, curation of any significant artifacts must be assured in order to find that the proposed project meets Section 30244 of the Coastal Act's requirement for reasonable mitigation. Therefore, as a condition of approval, artifacts of significant cultural value collected as a result of this project at the archaeological sites shall be curated at a qualified curation facility. If no qualified curation facility is available at the time the project is complete, an amendment to this permit shall be required to determine the appropriate curation process. The Commission finds, therefore, that as conditioned, the proposed project is consistent with Section 30244 of the Coastal Act.

I. Local Coastal Program

(a) Prior to certification of the Local Coastal Program, a Coastal Development Permit shall be issued if the issuing agency, or the Commission on appeal, finds that the proposed development is in conformity with the provisions of Chapter 3 (commencing with Section 30200) of this division and that the permitted development will not prejudice the ability of the local government to prepare a Local Coastal Program that is in conformity with the provisions of Chapter 3.

In November 1986, the Commission certified, with suggested modifications, the land use plan portion of the Playa del Rey segment of the City of Los Angeles' Local Coastal Program. The certified LUP contains policies to guide the types, locations and intensity of future development in the San Pedro coastal zone. Among these policies are those specified in the preceding section regarding public access, visual resources, and geology. The proposed development is consistent with the policies of the certified LUP. As proposed the project will not adversely impact coastal resources or access. The Commission, therefore, finds that the proposed project will be consistent with the Chapter 3 policies of the Coastal Act and will not prejudice the ability of the City to prepare a Local Coastal Program implementation program consistent with the policies of Chapter 3 of the Coastal Act as required by Section 30604(a).

J. California Environmental Quality Act

Section 13096(a) of the Commission's administrative regulations requires Commission approval of Coastal Development Permit applications to be supported by a finding showing the application, as conditioned by any conditions of approval, to be consistent with any applicable requirements of the California Environmental Quality Act (CEQA). Section 21080.5(d)(2)(A) of CEQA prohibits a proposed development from being approved if there are feasible alternatives or feasible mitigation measures available, which would substantially lessen any significant adverse effect which the activity may have on the environment.

As conditioned, there are no feasible alternatives or mitigation measures available which would substantially lessen any significant adverse impact which the activity may have on the environment. Therefore, the proposed project is found consistent with CEQA and the policies of the Coastal Act.